



Alan M. Simon
Mayor

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Deputy Mayor
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Trustee
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Eudson T. Francois
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January 3, 2019

VIA PERSONAL SERVICE, REGULAR AND CERTIFIED MAIL

Manny Carmona
80 South Main Street
Spring Valley, New York 10977

Re: Notice and Statement of Discipline

Dear Mr. Carmona:

Please be advised that pursuant to the "Agreement" between the Village of Spring Valley and the Civil Service Employees' Association, Inc., as well as the Village of Spring Valley Employee Handbook, the following charges are hereby preferred against you:

CHARGE 1 – MISCONDUCT

1. On or about November 28, 2018 after Manny Carmona was served by the Mayor of the Village of Spring Valley with a Memorandum directing all monies taken in to the Building Department to be deposited within 5 hours of receipt so as to secure money received by applicants in an effort to protect against the Building Departments previously lost and misplaced payments by applicants and customers. Without cause or permission, Mr. Carmona retained checks in his office secreted from all staff including the Legal Department and the Treasury Department, greater than 5 hours. Manny Carmona ignored his directive of his Supervisor and continued to withhold the processing of various checks for no legitimate purpose. Manny Carmona's failure to follow the directive of his Supervisor adversely impacted the orderly function of the Building Department.

CHARGE 2- INSUBORDINATION

2. On or about November 28, 2018 after Manny Carmona was served by the Mayor of the Village of Spring Valley with a Memorandum directing all monies taken in to the Building Department are to be deposited within 5 hours of receipt without cause or permission, Mr. Carmona retained checks in his office secreted from all staff including the Legal Department and the Treasury Department greater than 5 hours. Manny Carmona ignored the directive of his Supervisor and continued to withhold the processing of various checks for no legitimate purpose. Manny Carmona's failure to follow the directive of his Supervisor was insubordinate and as such adversely impacted the orderly function of the Building Department.

CHARGE 3 - MISCONDUCT

3. Between the months of December 2017 and December 2018, Manny Carmona while acting as Deputy Building Inspector lost, misplaced or destroyed building files previously filed within the Building Department and as such being official documents of the Village of Spring Valley created delay, confusion and inconvenience to applicants and their professionals causing damages. Such conduct of a Building Official is unbecoming and has damaged the orderly function of the Building Department.

CHARGE 4 - MISCONDUCT

4. On or about December 3, 2017 through December 8, 2018 multiple complaints have been made that Manny Carmona has refused and/or failed to return telephone messages from customers of the Building Department causing damage and delay to applicants, residents and customers. Such conduct of a Building Official is unbecoming and has damaged the orderly function of the Building Department.

CHARGE 5 - MISCONDUCT

5. On or about April 11, 2018 through December 8, 2018 multiple requests were made by BE and YO Realty Inc. for a refund of their escrow for paving 43-49 Bethune, Spring Valley, New York. The amount of escrow held on behalf of the applicant was \$4,800.00. Due to Manny Carmona's refusal to respond to the applicant and return the escrow the applicant is due, Manny Carmona injured the applicant. Said conduct has damaged the orderly function of the Building Department.

6. In the course of performance as a Building Official in and for the Village of Spring Valley, Manny Carmona was charged with executing the Village Code and the NY State Building Code with competency and proficiency. Without consideration of the objections of the applicants Manny Carmona caused several applicants to change construction materials in contradiction to the minimum standards of the State Code as required by law. The unnecessary material changes caused various applicants to lose money in excess of \$100,000.00 thereby harming the applicants needlessly and exposing the Village of Spring Valley to civil liability for his intentional and/or negligent conduct.

CHARGE 7 – INSUBORDINATION

7. In the course of performance as a Building Official in and for the Village of Spring Valley, Manny Carmona was charged with executing the Village Code and the NY State Building Code with competency and proficiency. Without consideration of the objections of the applicants Manny Carmona caused several applicants to change construction materials in contradiction to the minimum standards of the State Code as required by law. The unnecessary material changes caused various applicants to lose money in excess of \$100,000.00 thereby harming the applicants needlessly and exposing the Village of Spring Valley to civil liability for his intentional and/or negligent conduct. The conduct of Manny Carmona in requiring materials in excess of the minimum NY State Standards contradicts the directive of the Mayors Office of the Village of Spring Valley whereby Manny Carmona was directed to follow the standards under the law and not to exceed the standards of the New York State Building code.

CHARGE 8 – MISCONDUCT

8. On or about December 9, 2018, Manny Carmona partook in an unauthorized meeting with local builders and property owners to discuss the Building Department, staffing in the building department and administering the building department in an effort to gain support from these individuals to place pressure on the Village Mayor and the Trustees to allow Manny Carmona to receive additional overtime hours and corresponding rate of pay. Manny Carmona indicated to these individuals that in order to improve the Building Department performance he would need more hours to perform his duties. As a direct result of Manny Carmona's actions, Mayor Alan Simon was approached by certain individuals, in an effort to place pressure on the Mayor and the Board of Trustees to effectuate the changes Manny Carmona requested during his unauthorized meeting. Said conduct in using customers of the building

department to manipulate the actions of the Village Board is unethical and improper.

CHARGE 9 – MISCONDUCT

9. On or about December 9, 2018, Manny Carmona met with local property owners and local builders on a Sunday without authorization from the Village of Spring Valley to gain support to manipulate the Village Board to get Mayor Alan Simon to remove pressure that Manny Carmona stated was placed on the building department to perform at expected levels. Said conduct was detrimental to the Village of Spring Valley.

CHARGE 10 – INSUBORDINATION

10. On or about December 9, 2018, Manny Carmona met with local property owners and local builders on a Sunday without authorization from the Village of Spring Valley to gain support to manipulate the Village Board to get Mayor Alan Simon to remove pressure Manny Carmona stated was placed on the building department to perform at expected levels. Said conduct was insubordinate and was detrimental to the Village of Spring Valley.

CHARGE 11 – MISCONDUCT

11. On or about December 9, 2018, Manny Carmona met with local property owners and local builders on a Sunday to gain support to receive additional overtime from the Village of Spring Valley in an effort to help move matters along more quickly so that the builders and property owners have less delay. Said conduct of Manny Carmona was unauthorized and would have placed undue pressure on the Village Board to pay Manny Carmona more salary by way of overtime pay to perform the duties he is responsible to perform during the course of his normal work week.

CHARGE 12 – MISCONDUCT

12. On or about November 2018, Manny Carmona was directed by his supervisor to issue an updated list of files being processed, worked on and handled by Manny Carmona along with the date Manny Carmona received these files so that his supervisor could determine which files were not being handled in an efficient and timely manner. Subsequent to the request Manny Carmona issued an official list, signed by Manny Carmona on November 28, 2018 listing 30 files which were pending completion by Manny Carmona. This official list indicated the dates he received these files. Upon inspection of the dates Manny Carmona purports to have received these files the records maintained by the Village show certain files were received earlier than Mr. Carmona was reporting. The act of falsely documenting when files were received by him was done to provide false evidence with the intent to mislead the Village Board.

13. On or about November 2018, Manny Carmona was directed by his supervisor to issue an updated list of files being processed, worked on and handled by Manny Carmona along with the date Manny Carmona received these files so that his supervisor could determine which files were not being handled in an efficient and timely manner. Subsequent to the request Manny Carmona issued an official list, signed by Manny Carmona on November 28, 2018 listing 30 files which were pending completion by Manny Carmona. This official list indicated the dates he received these files. Upon inspection of the dates Manny Carmona purports to have received these files the records maintained by the Village show certain files were received earlier than Mr. Carmona was reporting. The act of falsely documenting when files were received by him was done to provide false evidence with the intent to mislead the Attorneys office and Mayors office about the progress of Manny Carmona's work. Said conduct in contradiction to the directive of his supervisor and as such - insubordinate.

You have a right to a hearing before an impartial hearing officer if you so choose. Such a request must be made within 10 calendar days from receipt of this notice and must be filed in writing with the undersigned. Failure to file such a request within the time period will constitute an acceptance of the proposed penalty. Please be advised that the proposed penalty is termination. You will have the right, should you choose a hearing, to a representative at such hearing. You are reminded that it is your responsibility to request a hearing. Accordingly, you should contact the CSEA representatives immediately upon the receipt of this notice. Further, should you request a hearing and wish a transcript, you will bear the expense of any such transcript and must provide a copy to the Village at no cost to the Village.

The Village of Spring Valley reserves its right to supplement, amend, or amplify these charges as the investigation into misconduct and insubordination continues.

All future correspondence with regard to this matter will be forwarded to your last address on file with the Building Department unless you request that correspondence be forwarded to a representative or to a new address.

Sincerely,



JEFFREY T. MILLMAN
Assistant Village Attorney

JTM/

Cc: Dominic D'Alesaria
Larry Sparber